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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,888	06/07/2005	Joannes Gregorius Bremer	NL 021261	8401

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHAH, SAMIR M

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/537,888

Applicant(s)

BREMER ET AL.

Examiner

Samir M. Shah

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 8/23/2006

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/22/2006, with respect to the 35 U.S.C. 112(1st) rejection of claims 1-8, lack an argument against/referring to the rejection of claim 8 (presented in section "5." of the previous Office Action). Therefore, the 35 U.S.C. 112(1st) rejection of claim 8 has again been presented in this Office Action.
2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments, see pages 5-7, filed 9/22/2006, with respect to the 35 U.S.C. 112(1st) rejection of claims 1-7 have been fully considered and are persuasive. The 35 U.S.C. 112(1st) rejection of claims 1-7 has been withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for only the independent claim 6, does not reasonably provide enablement for "the sensor signals are produced discontinuously in time" as recited in claim 8. The specification does not enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

There is no description in the specification as to how the sensor signals are produced discontinuously in time (emphasis added). Therefore, a person of ordinary skill in the art would require undue experimentation at the time the instant invention was made to figure out a method of producing the sensor signals discontinuously in time. Would these signals be produced one at a time for specific periods of time devoted to each sensor? Would additional structural elements be required to achieve this function? Would custom-made/function-specific sensors be required for producing sensor signals discontinuously in time (emphasis added)?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Klapman (US Patent 5,723,786 henceforth “Klapman”).

(a) As to claims 1, 2, 9 and 10, Klapman discloses an activity monitor comprising:
a measurement unit/impact measuring device (14) including a plurality of motion sensors/accelerometers (18, 20, 22), operable to produce respective sensor signals indicative of motion experienced thereby (figure 3; column 2, lines 32-45); and

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a processor (24) for receiving the sensor signals from the measurement unit/impact measuring device (14) and operable to process the signals in accordance with a predetermined method (for example, to format the signals for transmission, under either an analog or digital format, to the display (16)) (figures 1-3; column 2, lines 38-41, 46-49; column 3, lines 56-60),

characterized in that the measurement unit/impact measuring device (14) has a single output channel and is operable to output the sensor signals (from three accelerometers 18, 20, 22) in turn on the output channel (figures 3, 5; column 2, lines 58-64; column 3, lines 7-15, 39-61), and

characterized in that the measurement unit/impact measuring device (14) and the processor (24) are both attached to an object/boxing glove (10) (on a user's palm or fingers), being monitored by the activity monitor (figures 1-3; column 1, lines 65-67; column 2, lines 1-25).

(b) As to claims 4 and 9, Klapman teaches the processor (24) being operable to sample the output channel of the measurement unit/impact measuring device (14)/accelerometers (18, 20, 22) discontinuously in time (note, in order to increase battery life of the measurement unit/impact measuring device (14), the processor (24) only samples/transmits data which has changed since the last reading) (figures 3, 5; column 3, lines 55-61).

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(c) As to claims 3 and 11, Klapman teaches the motion sensors/accelerometers (18, 20, 22) being arranged to be mutually orthogonal (column 2, lines 32-37).

(d) As to claims 5 and 12, Klapman discloses that the measurement unit/impact measuring device (14)/processor (24) is operable to operate the output channel discontinuously in time during output of each motion sensor/accelerometer output signal (note the processor (24) only transmits data which has changed since the last reading and hence if no data has changed since the last reading, the processor (24) will not transmit any data and hence the output channel will only be operated discontinuously in time) (figures 3, 5; column 3, lines 55-61).

(e) As to claim 6, Klapman teaches a method of monitoring activity of an object/boxing glove (10) (on a user's palm or fingers) using a plurality of motion sensors/accelerometers (18, 20, 22) which are operable to produce respective sensor signals indicative of motion experienced thereby (figures 1-3; column 2, lines 32-45), the method comprising receiving the sensor signals and processing the signals in accordance with a predetermined method (for example, to format the signals for transmission, under either an analog or digital format, to the display (16)) (figures 1-3; column 2, lines 38-41, 46-49; column 3, lines 56-60), characterized in that the sensor signals are monitored in turn via a single channel at the object/boxing glove (10) (on a user's palm or fingers) being monitored (figures 1-3; column 1, lines 65-67; column 2, lines 1-25).

(f) As to claim 7, Klapman teaches the processor (24) being operable to monitor the output channel of the measurement unit/impact measuring device (14) discontinuously in time (note, in order to increase battery life of the measurement unit/impact measuring device (14), the processor (24) only samples/transmits data which has changed since the last reading) (figures 3, 5; column 3, lines 55-61).

Conclusion

8. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

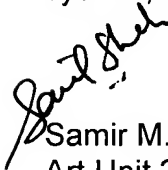
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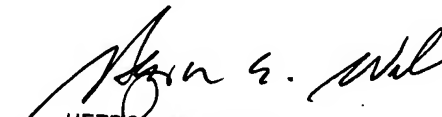
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Samir M. Shah
Art Unit 2856
10/9/2006


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800